



Reprinted
March 30, 1999

ENGROSSED SENATE BILL No. 155

DIGEST OF SB 155 (Updated March 29, 1999 3:22 pm - DI 51)

Citations Affected: IC 33-5; noncode.

Synopsis: Huntington superior court personnel. Authorizes the Huntington superior court to appoint a referee and other personnel. Reinstates the statutory authority for Jasper superior court No. 2, which continued to operate under the authority of a court order after it's statutory authority was removed by P.L.18-1995. Makes related changes.

Effective: Upon passage; July 1, 1999.

Wheeler

(HOUSE SPONSORS — GRUBB, DILLON, LINDER)

January 6, 1999, read first time and referred to Committee on Judiciary.
January 21, 1999, reported favorably — Do Pass.
January 25, 1999, read second time, ordered engrossed. Engrossed.
January 26, 1999, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Courts and Criminal Code.
March 22, 1999, reported — Do Pass.
March 29, 1999, read second time, amended, ordered engrossed.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

ENGROSSED SENATE BILL No. 155

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-5-25.3-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) The judge of the
3 court shall appoint a bailiff and an official court reporter for the court.

4 (b) **The court may appoint a referee and other personnel as the**
5 **court determines necessary to facilitate and transact the business**
6 **of the court.**

7 (c) ~~Their~~ **Salaries of the personnel described in subsections (a)**
8 **and (b)** shall be fixed in the same manner as the salaries of the bailiff
9 and official court reporter for the Huntington circuit court. Their
10 salaries shall be paid ~~monthly~~ out of the treasury of Huntington County
11 as provided by law.

12 SECTION 2. IC 33-5-25.5-1 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. There is
14 established a **superior** court ~~of record to be known as Jasper superior~~
15 ~~court No. 1. The court may have a seal containing the words "Jasper~~

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1 Superior Court No. 1, in Jasper County, Indiana Jasper County
 2 comprises the judicial district of (referred to as the court in this
 3 chapter).

4 SECTION 3. IC 33-5-25.5-2 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The Jasper
 6 superior court has ~~one (1) judge~~, **two (2) judges**, who shall be elected
 7 at the general election every six (6) years in Jasper County. ~~His~~ **The**
 8 term of a **judge of the court** begins January 1 following his election
 9 and ends December 31 following the election of his successor.

10 SECTION 4. IC 33-5-25.5-4 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~The A~~ judge of
 12 the Jasper superior court has the same powers relating to the conduct
 13 of the business of the judge's court as the judge of the Jasper circuit
 14 court. ~~The A~~ judge of the court also may administer oaths, solemnize
 15 marriages, and take and certify acknowledgments of deeds.

16 SECTION 5. IC 33-5-25.5-14 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. The judge of
 18 the Jasper circuit court may, with the consent of ~~the a~~ judge of the
 19 court, transfer any action or proceeding from the circuit court to the
 20 court. ~~The A~~ judge of the court may, with consent of the judge of the
 21 circuit court, transfer any action or proceeding from the court to the
 22 circuit court.

23 SECTION 6. IC 33-5-25.5-15 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The judge of
 25 the Jasper circuit court may, with the consent of ~~the a~~ judge of the
 26 court, sit as a judge of the court in any matter as if he was an elected
 27 judge of the court. ~~The A~~ judge of the court may, with consent of the
 28 judge of the circuit court, sit as a judge of the circuit court in any
 29 matter as if he was the elected judge of the circuit court.

30 SECTION 7. IC 33-5-25.5-17 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) The ~~judge~~
 32 **judges** of Jasper superior ~~the court No. 1~~ shall **jointly** adopt rules to
 33 provide for the administration of the Jasper superior court, including
 34 rules governing the following:

- 35 (1) Legal representation for indigents.
- 36 (2) Budgetary matters of the Jasper superior court.
- 37 (3) Operation of the probation department.
- 38 (4) Employment and management of court personnel.
- 39 (5) Cooperative efforts with other courts for establishing and
 40 administering shared programs and facilities.

41 (b) The ~~judge of the Jasper superior~~ court shall file with the division
 42 of state court administration a copy of the rules adopted under this



1 section.

2 SECTION 8. IC 33-5-25.5-18 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) ~~The A~~ judge
 4 of the court may, subject to the budget approved for the court by the
 5 fiscal body of Jasper County, employ personnel necessary for the
 6 proper administration of the court.

7 (b) Personnel employed under this section:

8 (1) include court reporters, bailiffs, clerical staff, and any
 9 additional officers necessary for the proper administration of the
 10 court; and

11 (2) are subject to the rules concerning employment and
 12 management of court personnel adopted by the court under
 13 section 17 of this chapter.

14 SECTION 9. [EFFECTIVE UPON PASSAGE] (a) **The initial**
 15 **judges of the Jasper superior court under IC 33-5-25.5-2, as**
 16 **amended by this act, are the judges presiding as the judge of**
 17 **Jasper superior court No. 1 and the judge of Jasper superior court**
 18 **No. 2 on April 1, 1999. The terms of the initial judges of the court**
 19 **expire December 31, 2002. The initial election of the judges of the**
 20 **Jasper superior court under IC 33-5-25.5-2, as amended by this**
 21 **act, is November 5, 2002. The initial term of the judges elected on**
 22 **November 5, 2002, begins on January 1, 2003.**

23 (b) **This SECTION expires January 2, 2003.**

24 SECTION 10. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 155, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 155 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 155, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DVORAK, Chair

Committee Vote: yeas 9, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 155 be amended to read as follows:

Page 1, after line 11, begin a new paragraph and insert:

"SECTION 2. IC 33-5-25.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. There is established a **superior** court of record to be known as Jasper superior court No. 1. ~~The court may have a seal containing the words "Jasper Superior Court No. 1, in Jasper County, Indiana Jasper County comprises the judicial district of~~ (referred to as the court in this chapter).

SECTION 3. IC 33-5-25.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The Jasper superior court has ~~one (1) judge~~, **two (2) judges**, who shall be elected at the general election every six (6) years in Jasper County. ~~His~~ **The** term of a **judge of the court** begins January 1 following his election and ends December 31 following the election of his successor.

SECTION 4. IC 33-5-25.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~The A~~ judge of the Jasper superior court has the same powers relating to the conduct of the business of the judge's court as the judge of the Jasper circuit court. ~~The A~~ judge of the court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

SECTION 5. IC 33-5-25.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. The judge of the Jasper circuit court may, with the consent of ~~the a~~ judge of the court, transfer any action or proceeding from the circuit court to the court. ~~The A~~ judge of the court may, with consent of the judge of the circuit court, transfer any action or proceeding from the court to the circuit court.

SECTION 6. IC 33-5-25.5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The judge of the Jasper circuit court may, with the consent of ~~the a~~ judge of the court, sit as a judge of the court in any matter as if he was an elected judge of the court. ~~The A~~ judge of the court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if he was the elected judge of the circuit court.

SECTION 7. IC 33-5-25.5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) ~~The judge~~ **judges** of Jasper superior the court No. 1 shall **jointly** adopt rules to provide for the administration of the Jasper superior court, including rules governing the following:

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- (1) Legal representation for indigents.
- (2) Budgetary matters of the Jasper superior court.
- (3) Operation of the probation department.
- (4) Employment and management of court personnel.
- (5) Cooperative efforts with other courts for establishing and administering shared programs and facilities.

(b) The ~~judge of the Jasper superior~~ court shall file with the division of state court administration a copy of the rules adopted under this section.

SECTION 8. IC 33-5-25.5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) ~~The A~~ judge of the court may, subject to the budget approved for the court by the fiscal body of Jasper County, employ personnel necessary for the proper administration of the court.

(b) Personnel employed under this section:

- (1) include court reporters, bailiffs, clerical staff, and any additional officers necessary for the proper administration of the court; and
- (2) are subject to the rules concerning employment and management of court personnel adopted by the court under section 17 of this chapter.

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) **The initial judges of the Jasper superior court under IC 33-5-25.5-2, as amended by this act, are the judges presiding as the judge of Jasper superior court No. 1 and the judge of Jasper superior court No. 2 on April 1, 1999. The terms of the initial judges of the court expire December 31, 2002. The initial election of the judges of the Jasper superior court under IC 33-5-25.5-2, as amended by this act, is November 5, 2002. The initial term of the judges elected on November 5, 2002, begins on January 1, 2003.**

(b) **This SECTION expires January 2, 2003.**

SECTION 10. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 155 as printed March 23, 1999.)

LINDER

